



THE CITY OF NEW YORK
LAW DEPARTMENT

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May 5, 2022

VIA ECF

Honorable Katharine H. Parker
United States Magistrate Judge
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: Amaury Urena v. City of New York, et al., 22-CV-01189 (VEC)(KHP)

Your Honor:

I am a Senior Counsel in the office of the Honorable Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York and the attorney assigned to the above-referenced matter.¹ At this time, I write on behalf of the Office of Corporation Counsel as an interested party to respectfully request the Court grant a sixty-day enlargement of time to respond to the Court's Valentin Order, from May 6, 2022 to July 5, 2022. This is the first such request. This office has not been able to ascertain plaintiff's position on this request as he is presently incarcerated.

By way of background, plaintiff, who is incarcerated and proceeding *pro se*, is alleging, *inter alia*, that he was subjected to excessive force, deliberate indifference, and failure to provide medical care in connection with incidents that occurred on January 7, 2022; January 8, 2022; and January 14, 2022. (See ECF No. 2). Specifically, plaintiff alleges that chemical spray was used against him after he had "wandered off," from his housing area and ran away from correction officers. (See ECF. No. 2). Plaintiff, also alleges, that he was repeatedly denied medical attention for his injuries from the chemical spray and injuries he sustained after he was tightly restrained, so much so that he had to flood his cell and start a fire. (See *Id.*). Furthermore,

¹ This case has been assigned to Assistant Corporation Counsel Victoria Carballo, who is presently awaiting admission to the Bar and is handling this matter under supervision. Ms. Carballo may be reached directly at (332) 323-0803, or by email at vcarball@law.nyc.gov.

plaintiff claims he was put in isolation from January 8, 2022 to January 14, 2022, where he was denied medical care for his injuries, and that on January 14, 2022, he was put back in restraints for a prolonged amount of time despite his injuries. (See Id.). Plaintiff filed this lawsuit on February 11, 2022. (See Id.). On March 8, 2022, the Court ordered this office to identify the unidentified individuals referenced in plaintiff's complaint and provide their identities and badge numbers, if appropriate, to Plaintiff within 60 days. (See ECF No. 7). Also, on March 8, 2022, the Court scheduled an initial conference from June 13, 2022. (See ECF No. 11). On March 18, 2022, Captain Pines and Captain Clark waived service, and on March 31, 2022, the City of New York waived service. Their answers are currently due May 17, 2022 and May 31, 2022, respectively. (See ECF Nos. 12, 14).

Presently, this office is awaiting pertinent documents from the Department of Correction regarding plaintiff's allegations, the plaintiff, and employee records. This office is also waiting for signed medical releases from plaintiff that will permit us access to his medical records. Until such time this office has received the documents and releases it has requested from DOC and plaintiff, this office is unable to respond to the Court's Valentin Order. Accordingly, this office requests this extension of time in order to obtain plaintiff's signed releases as well as relevant documents in order to respond to the Valentin Order.

Therefore, this office respectfully requests the Court grant a sixty-day enlargement of time to respond to the Court's Valentin Order, from May 6, 2022 to July 5, 2022.

Thank you for your consideration herein.

Respectfully submitted,

/s/
John Schemitsch
Senior Counsel
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cc: **VIA FIRST-CLASS MAIL**
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